



EQUIPMENT AND TOOL INSTITUTE

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July 25, 2001

Ms. Holly Pugliese
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105

Dear Ms. Pugliese:

The Equipment & Tool Institute would like to submit the following comments regarding proposed modifications to EPA's Service Information Regulations.

General Comments:

ETI agrees with EPA that changes are necessary to the existing regulations. Many vehicle manufacturers have maintained a minimal compliance level with the existing rule and in so doing have denied motorists the freedom of choice as to where they can get their vehicle repaired. Since the intent of the existing rule has not been met, the regulations must be changed to insure that minimal compliance allows us to meet this important original goal.

ETI represents many automotive service equipment manufacturers, information providers and training organizations. We view this rulemaking activity as an opportunity to improve products, not profits. Better information from the automakers will mean that ETI member company products will apply to a broader range of makes and models. Coverage within makes and models will improve as well. The end result will be affordable multiple make and model equipment and repair information that will be a key factor in the continued success of the aftermarket.

Specific Comments by Section:

(g) (2) (ii) Definitions

We would like to see the addition of a definition for an equipment and tool company. We don't think the definition for intermediary goes far enough and we think there is a possibility that ETI will get requests for scan tool information from entities that are not real scan tool companies. Therefore, a definition would help us know who should be allowed to receive the information.

We suggest the following: Equipment & Tool Company means a registered automotive equipment or software company either public or private that is engaged in, or plans to engage in, the manufacture of automotive scan tool or reprogramming equipment or software.

(g) (6) Cost

We believe that it is EPA's intent that all vehicle manufacturer pricing be fair and reasonable not just end user pricing. We would like to see a statement in the rule specifically regarding pricing to intermediaries. ETI believes that OEM's should not be allowed to recoup other than incremental costs. This means that "distribution" would be their main, if not sole, line item for listing their cost for providing information to the independent service providers and equipment manufacturers. No portion of the database development costs (art, procedures or specifications) should be allowed to creep into pricing.

The vehicle manufacturers have survived for decades without charging anything to intermediaries for repair related information. Now suddenly one major manufacturer wants to charge very large royalty fees. There is no justification for this. ETI members have a much better idea what the market will bear regarding information pricing than the OEM's and we know that there isn't any room for passing along additional fees. Therefore, there is only one alternative and that is to decrease content. This is exactly the opposite of the rule's intent and ETI member goals. ETI agrees with the vehicle manufacturers that the information is their property. We also agree that they have a right to license this information. We disagree that this should become an auto maker profit center.

(g) (7) Unavailable Information

ETI strongly agrees with this section. The burden of proof of what is reasonable needs to fall on the OEM's. If no one buys the information because it costs too much, the intent of the rule is not met and the OEM is out of compliance.

(g) (8) Third Party Information Providers

It is our belief that technicians will continue to rely on information intermediaries even after this rule takes affect because:

- Consolidated information provides adequate diagnostic depth for many repair operations. Research shows that the typical shop works on approx. 18 different makes on a monthly basis.
- Intermediaries, because of their broad vehicle coverage base, will still provide repair information at a lower cost than vehicle manufacturers. (even if vehicle manufacturers meet the "reasonable price" requirement)
- Intermediaries take disparate information, reformat and in some cases repurpose it to form one common "look and feel" that is consistent across many vehicle makes and models.
- Intermediaries provide a level of service beyond providing content. Since the aftermarket segment is not highly PC technology literate, intermediaries handhold users through technology issues. We don't think the OEM's are prepared to do this in all cases.
- To help keep prices low the vehicle manufacturers must have someone to compete with.

It is our belief that aftermarket service providers will continue to use intermediaries as their source of choice for the majority of their information needs. OE information will primarily be used when a technician needs more depth than is provided by the intermediary. Knowing that this additional resource exists will give the technician a new level of confidence and will cause him to take on jobs that he or she otherwise may not have felt comfortable tackling.

Although some OE's provide excellent support to intermediary publishers, others provide none. This section of the rule will allow intermediaries to provide broader coverage of the American fleet.

(g) (8) (i) Electronic Format

Although transferring information from OEM to intermediary can be a slow process if the intermediary is forced to take information from web pages designed for end-users, there are very fast methods of transferring data via the Internet. Therefore, we would like to add "ftp protocol" via the Internet as one of the acceptable methods of electronic information transfer.

(g)(8)(i) now reads - ...in electronic format such as diskette or CD-ROM using non-proprietary software, in English, or...

(g)(8)(i) suggested - ...in electronic format such as diskette, CD-ROM, or ftp protocol using non-proprietary software, in English, or...

(g) (11) Reprogramming

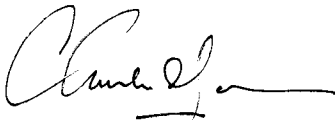
Although we agree with all that is written in this section we think that it is important to mention some of deviations some car companies are asking for under SAE J2534. Because of issues with existing OBD II systems some OEM's are asking for permission to provide aftermarket reprogramming schemes that are different from what is provided to OE dealerships. These deviations work, but require longer reprogramming time periods. ETI would like to see a statement in the rule that disallows slower reprogramming rates in the future and limits the amount of time difference allowed on current systems.

We would like to suggest language that restricts reprogramming time to less than thirty minutes. We also suggest that a statement be included that requires all OEM's to provide systems that reprogram at the same rate as dealership systems on any newly introduced hardware platforms.

(g) (16) Reference Materials

We suggest that wherever possible ISO standard document numbers should be listed along with SAE document numbers.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Charlie Gorman', with a long horizontal flourish extending to the right.

Charlie Gorman
Technical Manager, ETI